

SENATE No. 7

Senate, January 22, 2013, – Text of the proposed Senate Rules recommended by the (temporary committee on Ethics and Rules) to be adopted as the permanent rules of the Senate for 2013-2014 .

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

THE PRESIDENT.

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1. The President shall take the chair at the hour to which the Senate stands adjourned, shall call the members to order, and, on the appearance of a quorum, shall proceed to business. [1831; 1888.]

1A. Every formal session of the Senate shall open with a prayer and a recitation of the "Pledge of Allegiance to the Flag". [1989.]

2. The President shall preserve order and decorum, may speak to points of order in preference to other members, and shall decide all questions of order subject to an appeal to the Senate. The President shall rise to put a question, or to address the Senate, but may read sitting. [1817; between 1821 and 1826; 1831; 1888.]

3. The President may vote on all questions. [1826.]

4. The President may appoint a member to perform the duties of the chair for a period not exceeding 3 days at any one time. Unless the Senate shall otherwise direct, the President, at the beginning of each legislative year, may appoint a Chaplain and in case of vacancy in said office, the President may promptly fill said vacancy. [1831; 1862; 1865; 1888; 1971.]

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4A. The Senate President shall be elected by roll call on the Senate floor. This rule shall not be suspended except by a vote of four-fifths of the members present and voting thereon. Rule 63 shall not apply to this case and no other rule shall supersede the requirement of four-fifths vote to suspend this rule. [1993; 2002.]

4B. The Senate President and the Minority Leader shall, upon declaration of candidacy for any other state or federal elective office, relinquish said position. [2003.]

5. In case of a vacancy in the office of President, or in case the President, or the member appointed by the President to perform the duties of the chair, is absent at the hour to which the Senate stands adjourned, the eldest senior member present shall call the Senate to order, and shall preside until a President, or Acting President, is elected by ballot or by roll call vote as the Senate shall by majority vote determine, and such election shall be the first business in order. [1831; 1885; 1888; 1971; 1985; 2003.]

5A. In case of extreme emergency, the President of the Senate, may for a period not exceeding 2 days, in conformity with Article 6, Section II, Chapter 1 of the Constitution, cause a session of the Senate to be cancelled. Each member of the Senate insofar as is practicable shall be notified of such action. The President may also declare a session informal in nature, with prior notice given. Notice of such action shall be printed in the Journal of the Senate by the Clerk of the Senate and the printing of a calendar shall be suspended with reference to an informal session under this rule.

In the case of an informal session, only reports of committees and matters not giving rise to formal motion or debate shall be considered. No motion or order of business shall lose its precedence but shall be carried over until the next formal session. [1971; 1973.]

5B. [Omitted in 2011.]

50 **5C.** Upon a vacancy in the Senate, with the exception of any vacancy that occurs after April 1 in
51 an even-numbered year, a date for a special election shall be rescheduled by the President of the
52 Senate within 20 days after the vacancy occurs and the proposed date of the special election shall
53 then be put before the members of the Senate for a vote. [2011]

54
55 **CLERK.**

56 **6.** The Clerk shall keep a journal of the proceedings of the Senate, and shall cause the same to be
57 presented daily. The Clerk shall, in the journal, make note of all questions of order, and enter at
58 length the decisions thereon. The Clerk shall insert in an appendix to the journal the rules of the
59 Senate and the joint rules of the 2 branches. [1882; 1888.]

60
61 **7.** The Clerk, with the approval and direction of the President and the Committee on Ethics and
62 Rules, shall prepare and cause to be presented each day a calendar of matters in order for
63 consideration. The calendar for a session shall be available to the members and the public at least
64 24 hours prior to the start of that session, except when formal sessions are held on consecutive
65 days. The calendar for any formal session on a day following a formal session shall be available
66 to the members and to the public at least 2 hours prior to the start of that session. The
67 presentation of a calendar may only be suspended by a 2/3 vote of all members present and
68 voting as determined by a call of the yeas and nays. The calendar shall consist of at least 4
69 separate sections. One section shall contain those matters for third reading and engrossment. No
70 matters shall be considered for third reading that do not appear on this section of the calendar
71 without unanimous consent. One section shall contain those matters held by the Senate
72 committee on Bills in the Third Reading. One section shall contain those matters appearing on
73 the Senate Calendar for the first time. No matters shall be considered for second reading that do
74 not appear on this section of the calendar without unanimous consent. One section shall contain
75 those matters which shall be on the Senate Calendar for the first time at the following formal
76 session. No matters shall be considered for a second reading at a formal session that were not on
77 the Calendar for the previous formal session. It shall be mandatory, however, that a bill or
78 resolve ordered to third reading on one calendar day shall appear on the calendar at the following
79 formal session. The Clerk, with the approval and direction of the President and the Committee on
80 Ethics and Rules, may prepare the calendar, with such memoranda as the Clerk may deem

81 necessary, in a form designed to provide complete information and to properly facilitate the
82 business of the Senate. When the presentation of the calendar required under this rule is
83 suspended under Rule 5A, a session shall be considered informal and no matter shall be
84 considered if a member at said session objects to its consideration. [1882; 1888; 1945; 1971; 1974;
85 1985; 1991, 1993.]

86
87 **7A.** To better facilitate the business of the Senate, whenever possible, and notwithstanding any
88 rules to the contrary, during consideration of the new matters on the calendar each day, the chair
89 shall first declare a recess so that members may examine the items. The chair shall then ask for
90 passes on the second reading matters. Second reading matters with amendments pending will
91 automatically be considered separately. The chair shall direct the Clerk to dispense with the
92 reading of each title, but the journal for that day shall show that the bills have been read a second
93 time. The question shall then come on ordering those second reading matters which have not
94 been passed for debate to a third reading. Matters passed for debate shall be considered on the
95 second call.

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97 The same procedure shall be followed with relation to adverse reports appearing in groups on the
98 calendar. Adverse reports passed for debate shall be considered on the second call. The question
99 shall be put by the chair on the acceptance of all remaining adverse reports not passed for debate.
100 [1975.]

101
102 **7B.** The Clerk of the Senate shall be the official parliamentarian of the Senate. [1973.]

103
104 **8.** [Omitted in 1969.]

105
106 **8A.** The Clerk shall make a reasonable effort to make available on the official website of the
107 General Court the results of all roll call votes not later than 48 hours after such vote is taken, not
108 including quorum calls, in a manner easily identifiable, searchable and conspicuously located.
109 The Clerk shall include the number of the roll call and the title of the matter voted upon. This
110 rule shall take effect not later than July 1, 2011 and shall apply to all roll call votes conducted
111 during the 2011-2012 legislative session. [2007; 2011.]

112

113 **9.** When a bill or resolve coming from the other branch does not appear in the form in which it
114 was passed in that branch, the Clerk shall indicate the amendments on the Orders of the Day.
115 [1882.]

116

117 **COUNSEL TO THE SENATE.**

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119 **9A.** The Counsel to the Senate and members of the staff of said Counsel shall not engage in the
120 private practice of law during ordinary business hours while the Senate is in session. The
121 Counsel to the Senate and the staff of said Counsel shall be available at all times for consultation
122 with the President and members of the Senate in relation to matters pending before the Senate.
123 [1976.]

124

125 **MEMBERS OF THE SENATE.**

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127 **10.** No member, officer, or employee shall use or attempt to use improper means to influence an
128 agency, board, authority, or commission of the Commonwealth or any political subdivision of
129 the Commonwealth. No member, officer, or employee of the Senate shall receive compensation
130 or permit compensation to accrue to the member, officer or employee's beneficial interest by
131 virtue of influence improperly exerted from the member, officer or employee's position in the
132 Senate. Every reasonable effort shall be made to avoid situations where it might appear that the
133 member, officer or employee is making such use of the member, officer or employee's official
134 position. Members, officers, and employees should avoid accepting or retaining an economic
135 interest or opportunity which represents a threat to their independence of judgment.

136

137 No member, officer, or employee shall use confidential information gained in the course of or by
138 reason of the member, officer or employee's official position or activities to further the member,
139 officer or employee's financial interest or those of any other person. [1977.]

140

141 **10A.** No member, officer, or employee shall employ anyone from state funds who does not
142 perform tasks which contribute to the work of the Senate and which are commensurate with the

143 compensation received; and no officer or full time employee of the Senate shall engage in any
144 outside business activity during regular business hours, whether the Senate is in session or not.
145 No member of the Senate shall act on a matter before a committee or vote on any question in
146 which the member's private right is immediately concerned, distinct from the public interest. All
147 employees of the Senate are assumed to be full time unless their personnel record indicates
148 otherwise. [1977.]

149
150 **10B.** Interns and other temporary employees of the Senate, who are students at an accredited
151 educational institution and who are employed by the Senate for not more than 6 months, may
152 receive compensation from an educational institution or other non-profit organization under
153 section 501(c)(3) of the Internal Revenue Code, according to that organization's regular program
154 of providing such compensation for temporary governmental or public service employment. A
155 temporary employee's Senate supervisor shall establish the employee's total compensation, shall
156 verify that the sum of the employee's state compensation, if any, and any outside compensation
157 that the employee is to receive under this rule would not exceed this total compensation, and
158 shall file the written terms of the employee's compensation with the Senate Office of Human
159 Resources, where it shall be available for public inspection. [2003.]

160
161 **11.** No member shall be absent from the Senate without leave, unless there is a quorum without
162 the member's presence. [1817.]

163
164 **11A.** Each member of the Senate shall be assigned an office in the State House. Each member
165 shall have full authority to employ and dismiss personal and committee staff within written
166 guidelines developed by the Senate Committee on Ethics and Rules. [1983; 1985; 1993; 2003.]

167
168 **11B.** No member of the Senate shall hold, for more than 8 consecutive years, the office of
169 President of the Senate. [1993; 2001.]

170
171 **11C.** The Committee on Ethics and Rules shall ensure that each member of the Senate is able to
172 receive Internet electronic mail from members of the public. [2001; 2003.]

173

174 **11D.** The Committee on Ethics and Rules shall sponsor ethics training for members and staff
175 within 90 days of the opening of the biennial session. [2009.]

176

177 **COMMITTEES.**

178

179 **12.** The following standing committees shall be appointed by the President, to wit:

180 A Committee on Bills in the Third Reading;

181 To consist of 5 members, 1 of whom shall be appointed by the Minority Leader.

182 A Committee on Bonding, Capital Expenditures and State Assets;

183 To consist of 6 members, 1 of whom shall be appointed by the Minority Leader.

184 A Committee on Post Audit and Oversight;

185 To consist of 7 members, 1 of whom shall be appointed by the Minority Leader.

186 A Committee on Ethics and Rules;

187 To consist of 6 members, including 2 members appointed by the Minority Leader.

188 A Committee on Global Warming and Climate Change;

189 To consist of 6 members, 1 of whom shall be appointed by the Minority Leader.

190 A Committee on Steering and Policy;

191 To consist of 5 members, 1 of whom shall be appointed by the Minority Leader.

192 A Committee on Ways and Means;

193 To consist of 17 members, including 2 members appointed by the Minority Leader.

194

195 Committee hearings and executive sessions shall not be scheduled in conflict with formal
196 sessions of the Senate unless the chair submits to the Clerk a written explanation for scheduling
197 the hearing or session in conflict with the formal session. [1831; 1836; 1840; 1844; 1847; 1863; 1864;
198 1870; 1876; 1882; 1885; 1886; 1888; 1891; 1896; 1897; 1920; 1937; 1939; 1941; 1945; 1946; 1957; 1960; 1963;
199 1965; 1969; 1971; 1972; 1982; 1989; 1991; 1993; 1995; 1997; 2003; 2005; 2007; 2009; 2011.]

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201

202 **12A.** All violations of Rules and all questions of conduct of members, officers and employees of
203 the Senate shall be referred by order of the Senate to the committee on Ethics and Rules. Such
204 orders shall be as specific as circumstances allow. The committee shall also be empowered to

205 receive sworn written complaints or evidence regarding violations of Rules 10 and 10A. Until a
206 hearing, if any, is held, the contents of such complaints or evidence shall be considered
207 confidential information, unless the contents are already a matter of public record. If no hearing
208 is held, such contents may be made public by the committee in a final report. Breach of
209 confidentiality may itself be grounds for disciplinary action.

210

211 Upon receipt of an order, a sworn written complaint filed under penalties of perjury, or upon
212 receipt of evidence, the committee may investigate and take written or oral testimony on any
213 matters specified in the order or covered by Rules 10 and 10A. A majority of committee
214 members shall be present to receive sworn testimony unless a majority designates a lesser
215 number to do so. In any case, at least 1 member of the committee shall be present to receive
216 such testimony. Upon majority vote of the full Senate, the committee may require by summons
217 the attendance and testimony of witnesses and the production of books and papers and such other
218 records as said committee may deem relevant.

219

220 Said committee shall consider and may report to the Senate any recommendations regarding any
221 infringement of the rules and all questions of conduct of members, officers and employees
222 referred to it. If after investigation the committee determines that there has been a violation of
223 the rules, or other misconduct, the committee shall file a report with the Clerk of the Senate,
224 including a recommendation for disciplinary action, including but not limited to: in the case of a
225 member, reprimand, censure, temporary or permanent removal from committee chairmanship or
226 other position of authority, suspension with or without pay, or expulsion; in the case of an officer
227 or employee, reprimand, suspension or removal. Said report shall not prevent the Senate from
228 taking any other action as it shall deem advisable and appropriate.

229

230 Nothing in this rule shall be construed to require the disclosure of any allegation that the
231 committee deems frivolous or without merit.

232

233 If the committee receives a sworn written complaint, evidence, order of the Senate, or request for
234 an opinion involving a member of the committee, such member shall not participate in the
235 committee's deliberations on that matter.

236

237 The committee may, upon written request from a member, officer, or employee of the Senate,
238 issue written advisory opinions on matters concerning Rules 10 and 10A. Such advisory
239 opinions may be published, provided that the name of the person requesting the opinion, and any
240 other identifying information shall not be included in the publication. The Senate may not
241 penalize a member, officer or employee of the Senate for conduct satisfying the guidelines of an
242 advisory opinion based on factually indistinguishable conduct.

243

244 At least 3 members shall sign all recommendations and reports of the committee.

245

246 The committee shall on or before December 31 of the second year of the biennial session, file a
247 report with the Clerk summarizing its activities for the session. In addition, the committee may
248 at any time recommend changes in the rules of conduct for the Senate or legislation relating to
249 the conduct of the Senate, and a majority vote of the Senate shall be required to approve any
250 such recommended changes. [1977; 1978; 1983; 1991; 2003.]

251 **12B.** The committee on Steering and Policy shall meet from time to time at the call of the chair
252 for the purpose of assisting the President and the Senate in identifying the major matters which
253 require consideration by the General Court during the pending session and to advise the
254 President and the Senate on the relative priority of such matters, the relative urgency for
255 consideration by the General Court of such matters, and alternative methods of responding to
256 such matters by the General Court, and to assist on scheduling legislative matters for their even
257 distribution throughout the legislative year. [2009].

258

259 **12B ½.** The Committee on Ethics and Rules may initiate legislation consistent with Senate Rule
260 19, but no bill shall be initiated over the objection of the Senate Chair of the appropriate
261 committee. The Committee shall report on what date prior to adjournment of the last formal
262 session the matter shall be considered by the Senate. In the case of bills removed from study and
263 referred to the Committee on Ethics and Rules, the bills may be subject to amendments by the
264 committee as well as reports by the committee that the bills ought to pass or ought not to pass.
265 This rule shall apply only to bills that have no state fiscal impact. [1983; 1985; 1986; 1991; 1993; 1999;
266 2003; 2005.]

267

268 **12C.** [Omitted in 1995.]

269

270 **12D.** The President of the Senate, the Majority leader and the Minority leader shall review
271 applications for each member's staff and committee operating requirements and allocate office
272 space. [1993; 2003.]

273

274 **13.** (a) Unless the Senate shall otherwise specially order, the President shall nominate a candidate
275 for chair of each standing committee, joint standing committee or special committee and the
276 vice-chair and the assistant vice-chair of the Senate Committee on Ways and Means. The
277 President may also nominate the majority floor leader, assistant majority floor leader, majority
278 whip, the assistant majority whip and a President *pro tempore*. The President *pro tempore* shall
279 assist the President in the coordination of policy development and the ceremonial functions of
280 the Senate and shall perform such duties as assigned by the President. The minority party floor
281 leader may nominate not more than 3 persons to minority party floor leadership positions. Such
282 nominations shall require ratification by a majority vote by the respective party caucus. The vote
283 shall be by voice vote, roll call or secret ballot, as the majority vote of the caucus shall
284 determine. In the event a nomination is rejected by such caucus another nomination may be made
285 by the person designated in this rule to make the initial nomination which shall be subject to
286 ratification in the same manner. In the case of the election by the Senate of a committee by
287 ballot, the member having the highest number of votes shall act as chairman. The second named
288 member shall be vice-chairman.

289

290 (b) Except as provided above or unless the Senate shall otherwise specially order, committees
291 shall be appointed by the President, with exception of the chair whose nomination and
292 ratification shall be governed by paragraph (a). The President shall in making such appointments
293 give consideration to representation of both the majority and minority parties relative to their
294 respective representation in the Senate and in any event shall reserve at least 2 positions on the
295 Senate Committee on Ways and Means and at least 1 position upon each standing or special
296 committee for a Senate member of the minority party and appointments to such positions shall be
297 made by the Senate minority party leader. For the purposes of this rule and rule 56, the term

298 “minority party” shall mean the political party of those members of the Senate who, in the
299 aggregate, constitute the second largest group of members of the Senate affiliated with a political
300 party.

301
302 (c) A vacancy in any position which is regulated by this rule shall be filled in the same manner as
303 provided in this rule for the original appointment. Any person in a position which is regulated by
304 this rule shall be subject to removal only by a majority vote of the respective party caucus by
305 voice vote, roll call or secret ballot as the majority vote of the caucus shall determine. [1817;
306 between 1821 and 1826; 1831; 1888; 1973; 1983; 1985; 1991; 2003.]

307
308 **13A.** All motions or orders authorizing committees of the Senate to travel or to employ
309 stenographers, all propositions involving special investigations by committees of the Senate and
310 all motions or orders providing that information be transmitted to the Senate shall be referred
311 without debate to the Committee on Ethics and Rules, who shall report thereon, recommending
312 what action should be taken. All other motions that create main questions, except those that
313 relate to privilege, to procedure and kindred matters, or to the subjects referred to in Joint Rules
314 29 and 30, shall also be referred without debate to the Committee on Ethics and Rules and be
315 treated in like manner.

316
317 The Committee on Ethics and Rules may originate and report special orders for the scheduling
318 and consideration of matters on the floor of the Senate. When reported such orders may be
319 amended by a two-thirds vote of the members present and voting, and shall be subject to
320 approval by a majority of the members of the Senate present and voting. Debate on the question
321 on adoption of such orders shall be limited to 30 minutes. Such orders shall not be subject to
322 reconsideration. [1904; 1913; 1921; 1953; 2003.]

323
324 **13B.** The President of the Senate may call a caucus at any time at which either the President or a
325 designated member of the majority leadership shall preside unless otherwise voted by a majority
326 of the caucus. The President shall honor the request of the Minority Leader at any time while the
327 Senate is in session, to call a minority caucus at which the Minority Leader shall preside or a

328 designated member of the minority leadership, unless otherwise voted by a majority of the
329 caucus.

330
331 A caucus shall also be called if 25 per cent or more of a party's membership requests the calling
332 of a caucus. Such request shall be made to the Senate President or Minority Leader. In the
333 instance of such a caucus being called, said caucus may consider any subject matter, including
334 but not limited to resolutions, motions or other means of ascertaining the sense of party members
335 on any subject. When the Senate recesses to allow a caucus, the Senate President or presiding
336 officer shall inform the members from the rostrum of a time certain for reconvention. [1985; 1993.]

337
338 **13C.** The Senate Committee on Ethics and Rules shall provide for periodic audits of Senate
339 financial accounts to be conducted by a certified public accountant experienced in auditing
340 governmental entities. A copy of any such audit shall be filed with the Senate Clerk and copies
341 shall be made available upon request by any member of the Senate or the general public. [1985;
342 2003.]

343
344 **14.** No committee shall be allowed to occupy the Senate Chamber without a vote of the Senate.
345 [1836; 1863; 1888.]

346
347 **15.** No legislation affecting the rights of individuals or the rights of a private or municipal
348 corporation, otherwise than as it affects generally the people of the whole Commonwealth or the
349 people of the city or town to which it specifically applies, shall be proposed or introduced except
350 by a petition, nor shall any bill or resolve embodying such legislation be reported by a
351 committee, except upon a petition duly referred, nor shall such a bill or resolve be reported by a
352 committee, whether on an original reference or on a recommittal with instructions to hear the
353 parties, until it is made to appear to the satisfaction of the committee that proper notice of the
354 proposed legislation has been given by public advertisement or otherwise to all parties interested,
355 without expense to the Commonwealth, or until evidence satisfactory to the committee is
356 produced that all parties interested have in writing waived notice. A committee reporting
357 adversely for want of proper notice or of a waiver thereof shall set forth this fact in its report, and
358 no bill or resolve shall be in order as a substitute for, or amendment of, such report. Objection to

359 the violation of this rule may be taken at any stage prior to that of third reading. [1870; 1871; 1885;
360 1890; 1921; 1939; 1945; 1971.]

361
362 **16.** When the object of an application, by petition can be secured under existing laws, or, without
363 detriment to the public interests, by a general law, the committee to whom the matter is referred
364 shall report, ought not to pass, or a general law, as the case may be. The committee may report a
365 special law on matters referred to it upon (1) a petition filed or approved by the voters of a city or
366 town, or the mayor and city council, or other legislative body, of a city, or the town meeting of a
367 town, with respect to a law relating to that city or town; (2) a recommendation by the Governor;
368 and (3) matters relating to erecting and constituting metropolitan or regional entities, embracing
369 any 2 or more cities and towns, or establishing with other than existing city or town boundaries,
370 for any general or special public purpose or purposes. [1882; 1885; 1888; 1891; 1893; 1967; 1971; 1973.]

371
372 **16A.** Reports of committees recommending that a matter be placed in a study shall be reported to
373 the Senate if the matter being reported into a study was originally filed in the Senate. Matters
374 which have been recommitted to a committee in session shall be reported to the branch
375 originating the recommitment. [2002.]

377 **FORMS OF BILLS AND RESOLVES.**

378
379 **17.** Bills, resolves, resolutions and orders shall be prepared under supervision of the Counsel to
380 the Senate. Bills, resolves, resolutions and orders founded upon petition shall be presented in an
381 electronic format as prescribed by the Clerk, who shall then prepare such electronically filed
382 documents for printing on official paper. Any petition which presents a bill, resolve, resolution
383 or order that was before the General Court in the legislative session preceding that for which it is
384 presented shall be designated as a “refiled petition” by the presenting member, together with
385 reference to the number assigned such matter in the preceding legislative session. Bills
386 amending existing laws shall not provide for striking words from, or inserting words in, such
387 laws, unless such course is the best calculated to show clearly the subject and nature of the
388 amendment. No repealed law and no law which has expired by limitation, and no part of any

389 such law, shall be re-enacted by reference merely. [1844; 1857; 1880; 1882; 1885; 1888; 1889;
390 1947; 1972; 1985, 2001, 2006.]

391

392 **INTRODUCTION OF BUSINESS.**

393

394 **18.** Every petition (excepting as otherwise provided for in the Constitution, or laws of the
395 Commonwealth), shall be presented by a member, whose name shall be endorsed on the petition,
396 and a brief statement of the nature and object of the instrument; and the reading of this
397 instrument shall be dispensed with, unless specially ordered. [1831; 1888; 1972; 1973.]

398

399 **18A.** In the event that identical legislation is filed based upon petition, by members of the
400 Senate, the Clerk of the Senate may make every effort to consolidate the petitions.

401

402 The Clerk shall include the name of each petitioner; such names shall be placed on the
403 consolidated petition in the order in which the original petitions were filed with the Clerk. [1984.]

404

405 **19.** All motions contemplating legislation shall be founded upon petition, except as provided in
406 Joint Rule 3A and except that the committee on Ways and Means and the Committee on Ethics
407 and Rules under Rule 12B may report a bill or other form of legislation that is not founded upon
408 petition. Committees to whom messages from the Governor, reports of state officers, boards,
409 commissions, and others authorized to report to the legislature shall be referred, may report by
410 bill or otherwise such legislation as may be germane to the subject-matter referred to them. [1858;
411 1888; 1891; 1893; 1973; 1999; 2003; 2005.]

412

413 **20.** All petitions for legislation accompanied by bills or resolves embodying the subject-matter
414 prayed for, which are intended for presentation or introduction to the Senate, reports of state
415 officials, departments, commissions and boards, and reports of special committees and
416 commissions shall be filed with the Clerk, who shall, unless they are subject to other rules or of
417 the rules of the 2 branches, refer them, with the approval and direction of the President, to the
418 appropriate committees, subject to such change of reference as the Senate may make.

419

420 Provided, that petitions and other papers so filed, or papers received from the House, which are
421 subject to Joint Rules 7A, 7B or 9, shall be referred by the Clerk to the Committee on Ethics and
422 Rules. Petitions and other papers so filed which are subject to the second paragraph of Joint Rule
423 12 shall be referred by the Clerk to the Committees on Rules of the two branches, acting
424 concurrently. The reading of all such documents may be dispensed with, but they shall be
425 entered in the journal of the same or the next legislative day after such reference, except as
426 provided in Joint Rule 13.

427

428 All orders intended for adoption shall be deposited with the Clerk. If the orders relate to
429 questions of privilege or to procedure and kindred matters, they shall be laid before the Senate by
430 the President as soon as possible. If they relate to other subjects, except as provided in rule 13A
431 or in Joint Rules 29 and 30, they shall be inspected by the Committee on Ethics and Rules and
432 laid before the Senate not later than the fourth legislative day succeeding the day of their deposit
433 with the committee.

434

435 All resolutions intended for adoption shall be filed with the Clerk. Resolutions, which are not
436 reported by committee or received from the House, shall be considered forthwith after having
437 been reported by the committee on Bills in the Third Reading, under Senate Rule 33.

438

439 Special reports of state officials, departments, commissions and boards, reports of special
440 committees and commissions, bills and resolves accompanying petitions and reports, and
441 resolutions, shall be printed on order of the President, and under the direction of the Clerk. They
442 shall retain, during all subsequent stages, their original numbers and shall also bear such new
443 numbers as may be necessary.

444

445 Matters which have been placed on file may be taken from the files by the Clerk upon request of
446 any Senator or Senator-elect; and matters so taken from the files shall be referred or otherwise
447 disposed of as provided for above.

448

449 The Senate may at any time by order make any other disposition of petitions in the hands of the
450 Clerk. [1891; 1893; 1894; 1916; 1921; 1925; 1927; 1933; 1939; 1945; 1953; 1963; 1967; 1971; 1973; 1985; 1999;
451 2003; 2005.]

452

453 **20A.** The Clerk shall make available on the Internet the text of all bills introduced in the Senate.
454 [2001.]

455

456 **21.** [Omitted in 1943.]

457

458 **22.** [Omitted in 1949.]

459

460 **23.** No bill or resolve shall be proposed or introduced unless received from the House of
461 Representatives, reported by a committee, or moved as an amendment to the report of a
462 committee. [1881; 1882; 1888.]

463

464 **24.** The consideration of any order proposed for adoption, or of any motion to suspend Senate
465 Rule 15, or Joint Rules 8, 9 or 12, shall be postponed without question to the day after that on
466 which the order is proposed or request made, if any member asks such postponement. The
467 consideration of any motion to lay a matter on the table or to take a matter from the table shall be
468 postponed without question to the day after that on which the motion is made (except during the
469 last 7 calendar days of formal business under Joint Rule 12A). [1885; 1891; 1971; 1973; 1983, 1997;
470 1999.]

471

472 **25.** [Omitted in 1929, the provisions thereof being covered by Joint Rule 9.]

473

COURSE OF PROCEEDINGS.

474

475

476 **26.** Bills and resolves from the House, after they are read a first time, shall be referred to a
477 committee of the Senate, unless they have been reported by a joint committee or substituted for
478 the report of a joint committee. Bills and resolves reported in the Senate, and bills and resolves
479 from the House reported by joint committees or substituted for the reports of joint committees

480 shall, after they have been read once, be referred to the Committee on Ethics and Rules, except
481 as otherwise provided by Senate Rule 27. Any matter reported in the Senate or received from the
482 House concerning or restricted to a particular city or town which has received the approval of the
483 voters of the city or town or of the town meeting shall appear on the calendar for the next session
484 for a second reading notwithstanding any other provisions of this rule. Bills introduced by
485 initiative petition, when reported in the Senate or received from the House, shall be referred to
486 the Committee on Ethics and Rules. Resolutions received from the House, or reported in the
487 Senate, shall be referred to the Committee on Ethics and Rules. Bills and Resolves under Senate
488 Rule 27, when reported, shall be referred to the Committee on Ethics and Rules. All reports of
489 the Committee on Ethics and Rules shall be placed in the Orders of the Day for the next session
490 unless such matter is assigned for special consideration by said committee as provided for under
491 Senate Rule 12B. [1825; 1885; 1888; 1890; 1891; 1897; 1945; 1985; 1993; 1999; 2005.]

492

493 **26A.**[Omitted in 2005].

494

495 **26B.** [Omitted in 2005].

496

497 **26C.** There shall be appointed a standing committee on Bonding, Capital Expenditures and State
498 Assets consisting of 6 members. Said committee shall review all legislation providing for the
499 giving, loaning or pledging of the credit of the Commonwealth (see Article LXII of the
500 Amendments to the Constitution, as amended by Article LXXXIV). Said committee shall be
501 responsible for evaluating such legislation and determining the appropriateness of enacting
502 legislation containing increased bond authorizations for the Commonwealth.

503

504 The committee on Bonding, Capital Expenditures and State Assets shall periodically review and
505 hold open public hearings, accepting oral and written testimony on the status of the bonds and
506 notes of the Commonwealth, including: (1) general obligation debt; (2) dedicated income tax
507 debt; and (3) special obligation debt. The committee shall also, in its continuing study of the
508 Commonwealth's bonding practices, review the Commonwealth's liabilities relative to: (a) state-
509 supported debt; (b) state-guaranteed debt; and (c) indirect obligations.

510

511 The committee shall consult with the various agencies of the Executive branch and the office of
512 the State Treasurer to project expenditures, availability of funds, the sale of new bonds and the
513 resultant debt obligations, federal reimbursements and other related funding and bonding issues.
514

515 The committee on Bonding, Capital Expenditures and State Assets may conduct hearings relative
516 to the statutory authority of the Executive branch and the State Treasurer and the various
517 agencies and authorities of the Commonwealth to issue and sell bonds and notes and to expend
518 capital funds. The committee shall determine whether such laws, administrative regulations and
519 programs are being implemented in accordance with the intent of the General Court. The
520 committee may make recommendations for statutory changes and changes in the Constitution
521 which would grant discretion to the Legislature over the allotment and expenditure of fund
522 authorized by capital appropriations. The committee on Bonding, Capital Expenditures and State
523 Assets may initiate legislation consistent with Senate Rule 19.
524

525 The committee on Bonding, Capital Expenditures and State Assets may report to the General
526 Court from time to time on the results of its hearings.
527

528 Any bill providing for the giving, loaning or pledging of the credit of the Commonwealth, except
529 for the general appropriations bill or other appropriations bill addressed in Senate Rule 27A,
530 shall, prior to its reference to the committee on Ways and Means, be referred to the committee on
531 Bonding, Capital Expenditures and State Assets for report on its relationship to the finances of
532 the Commonwealth, irrespective of any conflicting committee referral to the House of
533 Representatives.
534

535 In compliance with section 38A of chapter 3 of the General Laws, the Committee on Bonding,
536 Capital Expenditures and State Assets shall include with the bill a fiscal note prepared under
537 section 3A of chapter 29 of the General Laws, showing the estimated cost or the fiscal effect of
538 the proposed legislation if, in the opinion of said committee, such cost exceeds \$100,000.
539

540 Messages from the Governor setting terms of bonds and notes or for the de-authorization or re-
541 authorization of bonds and notes shall be referred to the committee on Bonding, Capital
542 Expenditures and State Assets.

543

544 The Committee on Bonding, Capital Expenditures and State Assets may hold oversight hearings
545 regarding the capital programs of the commonwealth and of any quasi-public entity or
546 independent authority of the commonwealth. If the committee shall deem special studies or
547 investigations to be necessary, it may undertake studies or investigations. [2009]

548

549 **27.** Bills and resolves involving public money, or a grant of public property, unless the subject-
550 matter has been acted upon by the joint Committee on Ways and Means, shall, after the first
551 reading, be referred in course to the Senate Committee on Ways and Means, whose duty it shall
552 be to report on their relation to the finances of the Commonwealth.

553

554 Orders reported in the Senate or received from the House involving the expenditure of public
555 money for special committees shall, before the question is taken on the adoption of the order, be
556 referred to the Senate Committee on Ways and Means, whose duty it shall be to report on the
557 order's relation to the finances of the Commonwealth.

558

559 Every such bill involving a capital expenditure for new projects, or an appropriation for repairs,
560 or any legislation, the cost of which, in the opinion of the committee, exceeds \$100,000, when
561 reported into the Senate by the Committee on Ways and Means, shall be accompanied by a fiscal
562 note indicating the amount of public money which will be required to be expended to carry out
563 the proposed legislation, together with an estimate of the cost of operation and maintenance for
564 the first year if a new project is involved.

565

566 When requested by any member, prior to the engrossment of any such bill involving a capital
567 expenditure for new projects, or an appropriation for repairs, or any legislation, the cost of
568 which, in the opinion of the committee, can be ascertained in a timely manner, and which
569 exceeds \$100,000, the chairman of the Committee on Ways and Means, or a member of said
570 committee, shall verbally disclose during session the amount of public money which will be

571 required to be expended to carry out the proposed legislation, together with an estimate of the
572 cost of operation and maintenance for the first year if a new project is involved. [1871; 1882; 1887;
573 1888; 1889; 1896; 1921; 1941; 1946; 1947; 1953; 1963; 1967; 1968; 1971; 1995; 1999.]

574

575 **27A.** When the general appropriations bill is reported by the Senate Committee on Ways and
576 Means the following information shall be made available:- (a) a prior year's appropriation, (b)
577 the recommendation, if any, of the Governor, (c) the amount approved by the House, and (d) the
578 amount recommended by the Senate Committee on Ways and Means. The committee shall
579 identify with its recommendations for the general appropriations bill all of the tax and non-tax
580 revenues on which its spending recommendations are premised. The committee shall present
581 these revenues by type and by the department or agency responsible for collecting them.

582

583 The committee on Ways and Means shall provide the membership with a copy of its proposed
584 text of the general appropriations bill, and an executive summary which shall include a list of
585 outside sections, and a short summary of each outside section not later than the fifth business day
586 prior to full Senate consideration of such bill. When the Senate considers the general
587 appropriation bill, the bill shall appear in the Orders of the Day for its second-reading. All
588 amendments to the Ways and Means proposed text shall be second-reading amendments, but
589 further amendments in the third-degree to such amendments shall be in order. After the bill as
590 amended is ordered to a third reading, it shall be read a third time and the question shall then
591 immediately be on passing it to be engrossed. No amendments shall be in order at the third
592 reading of the bill unless recommended by the committee on Bills in the Third Reading. Each
593 member shall file any proposed amendments, including those relating to outside sections,
594 electronically in a form determined by the Clerk, by the time established for that purpose by
595 order of the Senate. Each amendment shall contain a 1-sentence descriptive title. The Clerk shall
596 make a list of amendments available to the membership at least 24 hours prior to consideration of
597 such bill. Such list shall identify the member sponsoring the amendment and include the 1-
598 sentence descriptive title. The sponsoring member of an amendment, including further
599 amendments in the third-degree, shall make available at such member's office a copy and a
600 detailed summary of the amendment. The Clerk shall make available on the Internet the text of
601 all amendments, including further amendments in the third-degree to such amendments.

602

603 The committee on Ways and Means shall provide the membership with a copy of its proposed
604 text of any other appropriations bill, and an executive summary which shall include a list of
605 outside sections, and a short summary of each outside section not later than the fourth business
606 day prior to full Senate consideration of such bill. When the Senate considers such an
607 appropriation bill, the Ways and Means proposed text shall be adopted and the bill shall be
608 ordered to a third reading without other amendments. The bill shall be immediately read a third
609 time and then be open to other amendments. Each member shall file any proposed amendments,
610 including those relating to outside sections, with the Clerk not later than 5:00 p.m. of the third
611 business day before Senate consideration of the bill. Each amendment shall contain a 1-sentence
612 descriptive title. The Clerk shall make a list of amendments available to the membership at least
613 24 hours prior to the consideration of such bill. Such list shall identify the member sponsoring
614 the amendment and include the 1-sentence descriptive title. The sponsoring member shall make
615 available at such member's office a copy and a detailed summary of the amendment.

616

617 A member may withdraw an amendment to an appropriation bill after filing it, or may replace a
618 seasonably filed amendment with a redrafted amendment, which shall be clearly designated as
619 such.

620 This rule shall not be rescinded, amended or suspended, unless four-fifths of the members
621 present consent thereto. [1974; 1993; 1997; 1999, 2001.]

622

623 **27B.** [Omitted in 1999.]

624

625 **27C.** With the exception of appropriation bills and capital outlay bills, the Committee on Ways
626 and Means and the Committee on Ethics and Rules may be discharged from the further
627 consideration of matters referred to them under the following procedure. The consideration of a
628 motion to discharge such committees from further consideration of a certain matter shall be
629 postponed without question to the day after that on which the motion is made. Such motion shall
630 require a majority vote of the members present and voting for adoption, if made after the
631 expiration of 45 calendar days after referral to said committees, but shall require a vote of two-
632 thirds of the members present and voting, if made prior to the expiration of said 45 calendar days

633 after referral to said committees. On the motion to discharge such committees, not more than 15
634 minutes shall be allowed for debate, and no member shall speak more than 3 minutes.

635

636 In addition to the above procedure, the Committee on Ways and Means shall be discharged from
637 further consideration of a certain matter upon the written petition of a majority of the members of
638 such committee presented to the chairman after 45 calendar days following referral of the matter
639 to said committee. When directed to discharge a certain matter under this rule said committees
640 shall either report or be discharged of said matter within 5 legislative days of the vote or petition
641 calling for such discharge. A petition discharged under this rule shall be considered as favorably
642 reported and the matter accompanying said petition shall be designated as “discharged”, and
643 shall be placed in the Orders of the Day for the next day for a second reading or question on
644 adoption, as the case may be, unless subject to Senate Rule 27. [1983; 1985; 2003.]

645

646 **28.** No bill or resolve shall pass to be engrossed without 3 readings on 3 several days. [1817; 1836;
647 1841; 1859; 1878; 1881; 1882; 1885.]

648

649 **29.** Bills and resolves, in their several readings, and resolutions, shall be read by their titles,
650 unless objection is made. [1817; 1836; 1841; 1859; 1878; 1881; 1882; 1885; 1890.]

651

652 **30.** If a committee to whom a bill or resolve is referred reports that the same ought not to pass,
653 the question shall be "Shall this bill (or resolve) be rejected?" If the rejection is negatived, the
654 bill or resolve, if it has been read but once, shall go to its second reading without a question; and
655 if it has been read more than once it shall be placed in the Orders of the Day for the next day,
656 pending the question on ordering to a third reading, or engrossment, as the case may be. [1817;
657 1836; 1841; 1859; 1878; 1881; 1882; 1885; 1897; 1921; 1939; 1945; 1971.]

658

659 **31.** If an amendment is offered by any member at the second or third reading of a bill or resolve,
660 substantially changing the greater part of the bill or resolve, the question shall not be put
661 forthwith on adopting the amendment to the bill or resolve if formally requested by 2 members,
662 but the bill or resolve shall be laid over and placed in the Orders of the Day for the next day after
663 that on which the amendment is offered, with the amendment pending. The proposed amendment

664 shall be printed in the calendar and in the journal. If an amendment is made at the second or third
665 reading of a bill or resolve substantially changing the greater part of the bill or resolve, the
666 question shall not be put forthwith on ordering the bill or resolve to a third reading or to be
667 engrossed, as the case may be, but the bill or resolve, as amended, shall be placed in the Orders
668 of the Day for the next day after that on which the amendment is made, and shall then be open to
669 further amendment before such question is put. In like manner, when an amendment is made in
670 any proposition of such a nature as to change its character, as from a bill to an order, or the like,
671 the proposition as amended shall be placed in the Orders of the Day for the next day after that on
672 which the amendment was made. [1882; 1888; 1971.]

673
674 **31A.** Upon recommendation of the Committee on Ethics and Rules, the Senate may by order
675 require that all amendments to a designated bill be filed with the Clerk not later than 1 day before
676 consideration of the bill by the Senate. Such amendments shall be presented in the calendar and
677 shall not be subject to Rule 31. [1997; 2003.]

678
679 **32.** Bills or resolves ordered to a third reading shall be placed in the Orders of the Day for the
680 next day for such reading. [1817; 1836; 1841; 1859; 1878; 1881; 1882; 1885.]

681
682 **32A.** (1) The Senate Committee on Bills in the Third Reading may be discharged from the
683 further consideration of matters referred to it pursuant to the following procedure:

684 (a) The consideration of a motion to discharge said committee from further consideration
685 of a certain matter shall be postponed without question to the day after that on which the motion
686 is made.

687 (b) The adoption of such motion shall require a simple majority vote of the members
688 present and voting.

689
690 (2) The Senate Committee on Ethics and Rules may be discharged from the further consideration
691 of matters referred to it under Rule 26, pursuant to the following procedure:

692 (a) The consideration of a motion to discharge said committee from further consideration
693 of a certain matter shall be postponed without question to the day after that on which the motion
694 is made.

695 (b) Such motion shall require a majority vote of the members present and voting for
696 adoption if made after the expiration of 30 calendar days after referral to said committee, but
697 shall require a vote of two-thirds of the members present and voting if made prior to the
698 expiration of said 30 calendar days after referral to said committee.

699
700 (3) When either committee is directed to discharge a certain matter pursuant to this rule, such
701 committee shall either report or be discharged of said matter within 5 legislative days of the vote
702 calling for such discharge. A matter discharged under this rule shall be designated as
703 “discharged” and the matter shall be placed in the Orders of the Day for the next sitting. On the
704 motion to discharge such committee, not more than 15 minutes shall be allowed for debate and
705 no member shall speak more than 3 minutes. [1985; 1987; 1989; 1993; 1995; 2005.]

706
707 **32B.** [Omitted in 1995.]

708
709 **33.** Bills and resolves when ordered to a third reading, and bills and resolves amended
710 subsequently to their third reading unless the amendment was reported by the Committee on
711 Bills in the Third Reading, shall be referred forthwith to that committee, which shall examine
712 and correct them, to avoid repetitions and unconstitutional provisions, and to ensure accuracy in
713 the text and references, and consistency with the language of existing statutes, and to give effect
714 to section 52 of chapter 3 of the General Laws; but any change in the sense of legal effect, or any
715 material change in construction shall be reported to the Senate as an amendment. The committee
716 may consolidate into 1 bill any 2 or more related bills referred to it, whenever legislation may be
717 simplified by such consolidation. Resolutions received from and adopted by the House or
718 introduced or reported into the Senate, after they are read and before they are adopted, and
719 amendments of bills, resolves and resolutions adopted by the House and sent to the Senate for
720 concurrence, shall also be referred, in like manner, to the Committee on Bills in the Third
721 Reading. When a bill, resolve or resolution has been so referred, no further action shall be taken
722 until the committee has reported on the bill, resolve or resolution. If a bill or resolve referred to
723 the Committee on Bills in the Third Reading contains an emergency preamble, changes the
724 compensation paid to the members of the General Court, provides for the borrowing of money by
725 the Commonwealth and comes within Section 3 of Article LXII of the Amendments to the

726 Constitution, provides for the giving, loaning or pledging of the credit of the Commonwealth and
727 comes within Section 1 of Article LXII (as amended by Article LXXXIV) of the Amendments
728 to the Constitution, or provides, upon recommendation of the Governor, for a special law relating
729 to an individual city or town and comes within clause (2) of Section 8 of Article LXXXIX of the
730 Amendments to the Constitution, the committee shall plainly indicate the fact. [1817; 1836; 1882;
731 1888; 1890; 1891; 1914; 1919; 1925; 1927; 1929; 1945; 1965; 1967; 1983.]

732

733 **33A.** All legislative matters receiving a Senate number shall be presented and made available to
734 all the members of the Senate and to the public at least 24 hours in advance of consideration by
735 the Senate.

736

737 All other amendments recommended by any committee, other than the Committee on Bills in the
738 Third Reading, shall be subject to this rule.

739

740 This rule shall be suspended only upon a vote of two-thirds of the members present and voting.
741 [1985.]

742

743 **34.** Bills and resolves prepared for final passage shall be certified by the Senate Clerk and
744 Parliamentarian, after comparison, to be the same as the bills or resolves passed to be engrossed;
745 and if found to be properly prepared, the Clerk shall so endorse on the envelope of the bill or
746 resolve; and the question on enactment or final passage or adopting an emergency preamble shall
747 be taken on the bill or resolve, without further reading, unless specifically ordered. When a bill
748 or resolve prepared for final passage contains an emergency preamble, changes the compensation
749 paid to members of the General Court, provides for the borrowing of money by the
750 Commonwealth and comes within Section 3 of Article LXII of the Amendments to the
751 Constitution, provides for the giving, loaning or pledging of the credit of the Commonwealth and
752 comes within Section 1 of Article LXII (as amended by Article LXXXIV) of the Amendments to
753 the Constitution, or provides, upon recommendation of the Governor, for a special law relating to
754 an individual city or town and comes within clause (2) of Section 8 of Article LXXXIX of the
755 Amendments to the Constitution, the Clerk shall plainly indicate the fact. [1817; 1831; 1882; 1888;
756 1914; 1919; 1965; 1967; 1971; 1983.]

757

758 **ORDERS OF THE DAY.**

759

760 **35.** The unfinished business in which the Senate was engaged at the time of the last adjournment
761 shall have preference in the Orders of the Day next after motions to reconsider. [1830; 1870.]

762

763 **36.** Reports of committees not by bill or resolve shall be referred to the Committee on Ethics and
764 Rules; except that the report of a committee asking to be discharged from the further
765 consideration of a subject and recommending that it be referred to another committee, or a report
766 of a committee recommending that a matter be placed on file, shall be immediately considered.

767 All reports of the Committee on Ethics and Rules shall be placed in the Orders of the Day for the
768 next session unless such matter is assigned for special consideration by said Committee on some
769 future date. Amendments to a measure which have been made by the House and sent back to the
770 Senate for concurrence shall be placed in the Orders of the next day after that on which they are
771 received; provided that amendments involving state money shall be referred to the Committee on
772 Ways and Means.

773

774 Reports of committees on proposals for amendment of the Constitution shall be dealt with in
775 accordance with Joint Rule 23. [1845; 1853; 1888; 1891; 1919; 1947; 1953; 1965; 1968; 1971; 1985; 1995;
776 2005.]

777 **37.** After entering upon the consideration of the Orders of the Day, the Senate shall proceed with
778 them in regular course, as follows: Matters not giving rise to a motion or debate shall first be
779 disposed of in the order in which they stand in the calendar; then the matters that were passed
780 over shall be considered and disposed of in like order. [1817; 1836; 1841; 1859; 1878; 1882; 1885.]

781

782 **38.** No matter which has been duly placed in the Orders of the Day shall be discharged from the
783 Orders of the Day or considered out of its regular course. [1885.]

784

785 **38A.** The Senate shall not continue in session beyond the hour of 8 p.m. This rule shall not be
786 suspended unless two-thirds of the members present and voting consent to such suspension on a
787 recorded yea and nay vote. [1983; 2005.]

788

789 **38A 1/2.** The Senate shall not continue in session beyond midnight. This rule shall not be
790 suspended unless two-thirds of the members present and voting consent to such suspension on a
791 recorded yea and nay vote. [2005.]

792

793 **38B.** Debate and consideration on the general appropriation bill shall begin at 10 a.m. and shall
794 be the only matter placed on the calendar for that day. [1985.]

795

RULES OF DEBATE.

796

797

798 **39.** When speaking, each member shall stand in such member's place and address the President.
799 When recognized, the member shall confine such member's remarks to the measure and question
800 under debate and shall at all times avoid personalities. [1817; 1831; 1871; 1973.]

801

802 **40.** When 2 or more members rise to speak at the same time, the President shall designate the
803 member who is entitled to the floor. [1831; 1888.]

804

805 **41.** No member shall speak more than once to the prevention of any other member who has not
806 spoken and desires to speak on the same question. [1817; 1886.]

807

808 **42.** No member shall interrupt another while speaking, except by rising to call to order or to rise
809 to a question of personal privilege or parliamentary inquiry. [1817; 1831; 1971.]

810

811 **43.** After a question is put to vote no member shall speak to it. [1817.]

812

813 **43A.** No appeal from a decision of the President shall be entertained unless it is seconded; and
814 the question on the appeal shall be disposed of forthwith. [1973.]

815

MOTIONS.

816

817

818 **44.** Any motion shall be reduced to writing if the President so directs. A motion need not be
819 seconded and may be withdrawn by the mover if no objection is made. [1817; 1844; 1871; 1888.]

820

821 **44A.** [Omitted in 2011.]

822

823 **45.** An amendment to any measure filed for debate with the Clerk containing 2 or more
824 propositions, capable of division, shall be divided whenever desired by any member. When a
825 motion to strike out and insert is thus divided, the failure of the motion to strike out shall not
826 preclude amendment; or, if the motion to strike out prevails, the matter proposed to be inserted
827 shall be open to amendment before the question is taken on inserting it. [1817; 1841; 1888.]

828

829 **46.** When a question is under debate the President shall receive no motion that does not relate to
830 the same, except a motion to adjourn or some other motion which has precedence by express rule
831 of the Senate, or because it is privileged in its nature; and the President shall receive no motion
832 relating to the same except:

833

834 (1) To *lay on the table* (or take from the table);

835 (2) To *close debate at a specified time*;

836 (3) To *postpone to a day certain*;

837 (4) To *commit* (or recommit);

838 (5) To *amend*;

839 (6) To *postpone indefinitely*.

840

841 These motions shall have preference in the order in which they stand. [Between 1821 and 1826; 1831;
842 1844; 1870; 1882; 1885; 1888; 1921; 1939; 1945; 1971.]

843

844 **47.** Debate may be closed at any time not less than 1 hour from the adoption of a motion to that
845 effect. On this motion not more than 10 minutes shall be allowed for debate, and no member
846 shall speak more than 3 minutes. [1882.]

847

848 **48.** When motions are made to refer a subject to different committees, the committees proposed
849 shall be considered in the following order:

850

- 851 (1) A standing committee of the Senate;
852 (2) A special committee of the Senate;
853 (3) A joint standing committee of the 2 branches;
854 (4) A joint special committee of the 2 branches. [1884; 1888.]

855

856 **49.** No engrossed bill or resolve shall be amended; but this rule shall not apply to a bill or resolve
857 returned by the Governor with a recommendation of amendment under Article LVI of the
858 Amendments of the Constitution; nor shall it apply to amendments of engrossed bills proposed
859 by the House and sent to the Senate for concurrence. [1837; 1919; 1931.]

860

861 **50.** No motion or proposition of a subject different from that under consideration and no measure
862 which has been finally rejected or disposed of by the Senate shall be admitted under the color of
863 an amendment. [1882; 1971.]

864

865 **51.** [Omitted in 2011.]

866

867 **52.** The motion to adjourn and the call for yeas and nays shall be decided without debate.

868

869 On the motions to lay on the table and take from the table, to postpone to a time certain, to
870 commit or recommit (except with instructions), not exceeding 10 minutes shall be allowed for
871 debate, and no member shall speak more than 3 minutes.

872

873 On a motion to reconsider, not more than 30 minutes shall be allowed for debate, and no member
874 shall speak more than 5 minutes; but on a motion to reconsider a vote upon any subsidiary,
875 incidental or dependent question debate shall be limited to 10 minutes, and no member shall
876 speak more than 3 minutes.

877

878 On a motion to suspend any of the joint rules or Senate rules debate shall be limited to 15
879 minutes, and no member shall speak more than 3 minutes. [1817; 1859; 1870; 1874; 1882; 1885; 1937;
880 1941.]

881

882 **52A.** The Senate President or presiding officer of the Senate may not declare that the Senate is in
883 recess for more than 30 minutes, without informing the members from the rostrum of a time
884 certain for reconvention. [1993.]

885

886

887 **RECONSIDERATION.**

888

889 **53.** No motion to reconsider a vote shall be entertained unless it is made on the same day on
890 which the vote has passed, or on the next day thereafter on which a quorum is present and before
891 the Orders of the Day for that day have been taken up. If reconsideration is moved on the same
892 day, the motion shall (except during the last 7 calendar days of formal business under Joint Rule
893 12A) be placed first in the Orders of the Day for the succeeding day; but if it is moved on the
894 succeeding day, the motion shall be considered forthwith; provided, however, that this rule shall
895 not prevent the reconsideration of a vote on a subsidiary, incidental or dependent question at any
896 time when the main question to which it relates is under consideration; and provided, further,
897 that a motion to reconsider a vote on any incidental, subsidiary or dependent question shall not
898 remove the main subject under consideration from before the Senate, but shall be considered at
899 the time when it is made.

900

901 There shall be no reconsideration of the vote on the question on adjourning, for the yeas and
902 nays, on laying on the table or on taking from the table; and when a motion for reconsideration
903 has been decided, that decision shall not be reconsidered. [1817; between 1821 and 1826; 1858; 1885;
904 1888; 1891; 1902; 1946; 1999.]

905

906

907 **REJECTED MEASURES.**

908

909 **54.** When any measure has been finally rejected or finally disposed of by the Senate, no measure
910 substantially the same shall be introduced by any committee or member during the session, or
911 moved as an amendment to another measure. [1817; dispensed with in 1831; revived in 1838; amended in
912 1841; 1844; 1877; 1882; 1971.]

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VOTING.

55. The President shall declare all votes; but if a member doubts a vote, the President shall order a return of the number voting in the affirmative, and in the negative, without further debate. [1831; 1888.]

56. The sense of the Senate shall be taken by yeas and nays whenever required by one-fifth of the members present, or by a number of members equal to the total number of members of the minority party. The President may wait a period not exceeding 10 minutes before ordering the Clerk to start the yeas and nays, during which time the members shall be summoned to the Senate Chamber as the President may direct

Other business of the Senate may be taken up during the 10 minute period. At the end of the 10 minute interval, the President shall state the question to be roll called and then direct the Clerk to begin the call. If, before the vote is taken, a member states to the Senate that such member has paired with another member and how each would vote on the pending question, the fact shall be entered on the journal immediately after the record of the yeas and nays, and such member shall be excused from voting. If, after the yeas and nays have been ordered, an advanced notice of at least 60 minutes is given by the President, the President may set a time certain for the vote to be taken and the 10 minute waiting period above prescribed may be waived. [1817; 1852; 1888; 1971; 1972, 1997.]

57. Whenever a question is taken by yeas and nays, the Clerk shall call the names of all members, except the President, in alphabetical order, and every member present shall answer to such member's name, unless excused before the vote was taken. Except in the case of a vote to ascertain the presence of a quorum, if a member present in the State House is prevented from voting personally in the Senate Chamber at the member's assigned seat because of physical disability, that member may be excused from so voting by the President, who shall assign a court officer to answer the roll call on behalf of the member so long as the disability continues; provided, however, that the President shall announce the action of the Chair to the membership

944 prior to assigning a court officer to cast the member's vote; and provided further, that the
945 President shall announce the action to the membership the first time a vote is cast for that
946 member on each successive day that the member is absent from the chamber because of the
947 disability. No member shall be permitted to vote after the decision is announced from the Chair.
948 [1837; 1844; 2008.]

949
950 **57A.** [Omitted in 2011.]

951
952 **ELECTIONS BY BALLOT.**

953
954 **58.** In all elections by ballot a time shall be assigned for such election, at least 1 day prior to such
955 election, except in case of an election of President or President *pro tempore*, under Rule 5. [1831;
956 1891.]

957
958
959 **REPORTERS' GALLERY.**

960
961 **59.** The use of the reporters' gallery of the Senate Chamber shall be subject to the approval and
962 direction of the Committee on Ethics and Rules during the session and of the President after
963 prorogation. Except in the reporter's official capacity as a reporter, no reporter who is entitled to
964 the privileges of the reporters' gallery shall seek to influence the action of the Senate or any
965 member, nor shall such person approach a member to seek to influence such member in any
966 place from which legislative agents are excluded by Rule 61. Every legislative reporter desiring
967 admission to the reporters' gallery of the Senate Chamber shall state in writing that such reporter
968 is not the agent or representative of any person or corporation interested in legislation before the
969 General Court and will not act as representative of any such person or corporation while such
970 reporter retains a place in the gallery; but nothing in this rule shall prevent such legislative
971 reporter from engaging in other employment, provided such other employment is specifically
972 approved by the Committee on Ethics and Rules and reported to the Senate. [1847; 1911; 1914;
973 1925; 1989; 2003.]

974

975 **59A.** Formal sessions of the Senate shall be made accessible to electronic media, including
976 television, radio and the Internet. The manner, conditions and extent of such access shall be
977 established by the Committee on Ethics and Rules.

978

979 The President and the Clerk shall endeavor to provide that all formal sessions of the Senate
980 during which the general appropriation bill is considered are broadcast live. If it is not feasible
981 for such a session to be broadcast live they shall endeavor to provide for its delayed broadcast.
982 The Committee on Ethics and Rules may provide for the audio or video transmission via the
983 Internet of Senate sessions. The committee on Ethics and Rules may enter into agreements with
984 nonprofit entities, including public and private educational facilities, to provide for audio or
985 video transmission via the Internet of the Senate sessions.

986

987 This rule shall not be suspended unless by majority vote of the members present and voting.

988

989 If, for any reason, the Senate convenes in a formal session and such session is not televised live,
990 then the party under the contractual duty to provide the broadcast shall provide to the Senate
991 President and Minority Leader within 24 hours of the adjournment of such session a report
992 including, but not limited to an explanation for why the broadcast was not received.

993

994 Prior to permanent arrangements being entered into for the broadcast of formal Senate sessions,
995 any television carrier, who wishes to broadcast any formal Senate session shall make application
996 to the committee on Ethics and Rules to do so, approval of which shall not be unreasonably
997 withheld. Any carrier may make arrangements to utilize a pool feed to be provided under
998 guidelines and conditions set forth by the committee on Ethics and Rules. [1989, 2001; 2003; 2007.]

999

1000 **59B.** The Clerk of the Senate shall deliver a copy of each broadcast Senate session to the
1001 Majority Floor Leader and the Minority Floor Leader not later than 24 hours after such session
1002 has ended.

1003

1004 The Clerk of the Senate shall also keep a copy of every broadcast Senate session for reference
1005 purposes. These copies shall be made available to the public upon request. [1993.]

1006

1007 **59C.** The electronic feed that provides the broadcast coverage of the Senate sessions shall be
1008 available to any media outlet. [2002.]

1009

1010 **59D.** (1) The President shall make available to each member of the Senate a copy of the contract
1011 for the broadcast of the Senate formal sessions.

1012

1013 (2) Any contracts executed after January 1, 2003 concerning television broadcast of the formal
1014 sessions of the Senate shall require the following information to be reported to the members of
1015 the Senate:

1016

1017 (a) a list of all cities and towns to receive live television broadcasts of the sessions of the
1018 Senate;

1019 (b) a list of each city and town to receive Senate coverage including the date and time of
1020 the live and pre-recorded broadcasts of each session of the Senate;

1021 (c) a list of cities and towns that do not receive live televised broadcasts of the sessions of
1022 the Senate and an explanation for the lack of coverage.

1023

1024 The President shall make available said copy of the contract to each member of the Senate on the
1025 first day of the annual session. [2003.]

1026

1027 **THE SENATE CHAMBER AND ADJOINING ROOMS**

1028

1029 **60.** No person not a member shall be allowed to sit at the Senate table while the Senate is in
1030 session. [1853;1888.]

1031

1032 **61.**No person, except members of the legislative and executive departments of the state
1033 government, persons in the exercise of an official duty directly connected with the business of
1034 the Senate, and reporters who are afforded press privileges by the Senate President, shall, unless
1035 invited by the President, be admitted to the floor of the Senate Chamber or to the Senate Reading
1036 room or to the corridor between the Senate Reading room and the Senate Chamber during the

1037 sessions of the Senate, or during the half hour preceding or succeeding said sessions, nor to the
1038 Senate reading room, cloak room or anterooms on any day when a session of the Senate is held,
1039 except upon written invitation bearing the name of the person it is desired to invite and the name
1040 of the Senator extending the invitation, which invitation shall be surrendered when the person
1041 enters one of the otherwise restricted areas.

1042

1043 Reporters desiring access to the Senate Chamber shall make written application to the President
1044 stating the purposes for which the privileges are required, and such privileges shall be granted
1045 only upon written approval by the President.

1046

1047 No legislative agent shall be admitted to the floor of the Senate Chamber. On any day when a
1048 session of the Senate is held, no legislative agent shall be admitted to the Senate Reading room,
1049 the cloak room, the Senate corridor or anterooms and no person, except members of the
1050 legislative and executive departments of the state government and persons in the exercise of an
1051 official duty directly connected with the business of the Senate shall be permitted to loiter in the
1052 Reading room, the cloak room, the Senate corridor or anterooms at any time. Smoking shall not
1053 be permitted in the Senate Reading room, the cloak room or the anterooms. [1870; 1875; 1886; 1891;
1054 1895; 1896; 1897; 1898; 1907; 1909; 1914; 1916; 1925; 1989.]

1055

1056 **61A.** No person shall be allowed to smoke on the floor of the Senate. [1985.]

1057

1058 **61B.** No person shall talk on a cellular telephone or other mobile electronic device in the Senate
1059 Chamber while the Senate is in session. [2003.]

1060

1061

1062 **PARLIAMENTARY PRACTICE.**

1063

1064 **62.** The rules of parliamentary practice shall govern the Senate in all cases to which they are
1065 applicable, and in which they are not inconsistent with these rules or the joint rules of the 2
1066 branches. [1847; 1858; 1882; 1895; 1963.]

1067

1068

1069

ALTERATIONS, SUSPENSION OR REPEAL OF RULES.

1070

1071 **63.** This rule and rules 24, 31, 33, 34 and 53 shall not be suspended if objection is made; and no
1072 other rule shall be altered, suspended or repealed, except by vote of two-thirds of the members
1073 present and voting. The Committee on Ethics and Rules may consider and suggest measures that
1074 shall, in its judgment, tend to facilitate the business of the Senate, and a majority vote of the
1075 Senate shall be required to approve such recommendations. [1817; 1841; 1848; 1882; 1888; 1891; 1893;
1076 1899; 1953; 1973; 2003.]

1077

1078 **64.** Twenty-one members shall constitute a quorum for the organization of the Senate and the
1079 transaction of business. [See Amendments to the Constitution, Art. XXXIII.][1973.]

1080

1081 **65.** The Senate shall meet not later than the fourth Friday following the convening of the first
1082 annual session of a General Court for the purpose of adopting permanent rules of the Senate.
1083 [1991; 2007.]

1084

1085 **66.** [Omitted in 1997.]

1086

1087 **67.** The resignation of a Senator shall become effective within 14 days from submission of a
1088 letter of resignation or a letter of intent to resign to the Senate President's Office. [2007.]

1089

1090

REVIEW PAST SENATE PROCEDURE

1091

1092

1093 **68.** The President shall establish a commission to examine past rules and practices of the
1094 Massachusetts State Senate.

1095

1096 This commission shall consist of 3 members: the Senate President *pro tempore*; the majority
1097 leader; and the minority leader; and shall examine and compare the current rules and practices of
1098 the Massachusetts State Senate with the body's historic rules and practices. This examination and

1099 comparison may include, but not be limited to, matters of decorum, attendance, dress and
1100 schedule.

1101

1102 The commission shall report its findings and recommendations by September 1 of every even
1103 numbered year.